



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
August 6, 2001**

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01-18

DS:ds

The meeting was called to order at 9 a.m., with all Members being present, with the exception of Supervisor McConnell, and with Chairman Hanley presiding.

Supervisor McConnell arrived at 9:05 a.m.

Others present were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Christina M. Manning, Assistant to the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; and Patti M. Hicks, Deputy Clerk to the Board of Supervisors.

BOARD MATTERS

1. **RED FOLDER ITEMS** (Tape 1)

Chairman Hanley called the Board's attention to the red folders, and stated that there was a revised Board agenda, in addition to the following:

- A letter from Eva Tieg Hardy, Senior Vice President, External Affairs and Corporate Communications, Dominion Virginia Power, regarding their earlier meeting, and Consideration Item C-1 – Application of Virginia Electric and Power Company for Approval of a Functional Separation Plan Under the Virginia Electric Utility Restructuring Act, SCC Case Number PUE000584
- A memorandum from Kevin Bell, Chairman, Human Services Council, regarding Fiscal Year (FY) 2001 Carryover Review

- A letter from Harry N. Doyle, Jr., Chairman, Economic Development Authority, regarding FY 2001 Carryover Review
Chairman Hanley stated she would enter these items into record at the appropriate time later in the meeting.

2. **MOMENT OF SILENCE** (Tape 1)

Chairman Hanley asked everyone to remember in thoughts and prayers Monsignor John P. Hannan who passed away last week. She said that Supervisor McConnell would be attending his funeral today.

Supervisor Mendelsohn asked everyone to remember in thoughts and prayers the family of the late Thelma Feighery. He said the Board should remember eating her ice-cream at one of the budget hearings. Mrs. Feighery and her late husband operated a general store in the Great Falls area for over 50 years.

Supervisor Connolly asked everyone to remember in thoughts and prayers the family of George W. "Bill" Ashworth, who died recently. Supervisor Connolly said he was a long-time member of the Oakton community, and had worked with him on the Senate Foreign Relations Committee for ten years.

AGENDA ITEMS

3. **CERTIFICATES OF RECOGNITION PRESENTED TO MR. CHRIS GUDIKUNST, MR. CRAIG GUDIKUNST, MS. SUSAN HARRISON, MR. JONATHAN HARRISON, AND DEBBIE SHARPE, EXECUTIVE DIRECTOR OF THE HOMELESS ANIMALS RESCUE TEAM** (Tape 1)

Supervisor Hyland moved approval of the Certificate of Recognition presented Mr. Chris Gudikunst, Mr. Craig Gudikunst, Ms. Susan Harrison, Mr. Jonathan Harrison, and Debbie Sharpe, Executive Director of the Homeless Animals Rescue Team, for their efforts in saving the life of Milagros, the miracle dog. Supervisor Connolly and Supervisor Frey jointly seconded the motion and it carried by unanimous vote.

4. **CERTIFICATES OF RECOGNITION PRESENTED TO P. WESLEY FOSTER, JR., PRESIDENT, LONG AND FOSTER REALTORS; CATHY AND ED NEWMAN, XYBERNAUT CORPORATION; PATRICIA KELLEY, PRESIDENT, COUNTRY WESTERN DANCE ASSOCIATION; AND JENNIFER STERLING, SPOT COLOR, INCORPORATED** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Certificate of Recognition presented to P. Wesley Foster, Jr., President, Long and Foster Realtors; Cathy and Ed Newman, Xybernaut Corporation; Patricia Kelley, President, Country Western Dance Association; and Jennifer Sterling, Spot Color, Incorporated, for their support of the Medical Care

for Children Partnership. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. VINCENT KEANE** (Tape 1)

(BACs) Supervisor Hyland moved approval of the Certificate of Recognition presented to Mr. Vincent Keane for his years of service to the citizens of Fairfax County as the Mount Vernon District representative to the Fairfax-Falls Church Community Services Board. Chairman Hanley seconded the motion and it carried by a vote of nine, Supervisor Connolly being out of the room.

6. **CERTIFICATES OF RECOGNITION PRESENTED TO THE SPONSORS OF EARTH DAY/ARBOR DAY** (Tape 1)

Supervisor Bulova moved approval of the Certificate of Recognition presented to the sponsors of Earth Day/Arbor Day for their support. Supervisor Hyland and Supervisor McConnell jointly seconded the motion and it carried by a vote of nine, Supervisor Connolly being out of the room.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO THE FAIRFAX STARS 12-YEAR-OLD GIRLS' BASKETBALL TEAM** (Tape 1)

Supervisor Frey moved approval of the Certificate of Recognition presented to the members of the Fairfax Stars 12-year-old Girls' Basketball Team for their hard work and manner in which they represented their community at the 2001 AAU Basketball National Championship tournament. The motion was multiply seconded and it carried by unanimous vote.

ADDITIONAL BOARD MATTER

8. **REQUEST FOR RECOGNITION FOR THE FAIRFAX STARS 11-YEAR-OLD AND 13-YEAR-OLD GIRLS' BASKETBALL TEAMS** (Tape 1)

Supervisor Frey said that the Fairfax Stars 11-year-old girls' Basketball Team finished seventh in the nation, and the 13-year-old girls won the 2001 championship, winning the Potomac Valley Region gold medal for the fourth consecutive year. He noted that these girls come from all over the County to participate.

Accordingly, Supervisor Frey asked unanimous consent that the Board direct staff to invite the 11-year-old and 13-year-old girls' basketball teams to appear before the Board to be recognized for their accomplishments. Without objection, it was ordered.

AGENDA ITEMS

9. **PROCLAMATION TO DESIGNATE AUGUST 7, 2001, AS "NATIONAL NIGHT OUT" IN FAIRFAX COUNTY** (Tape 1)

On behalf of Supervisor McConnell and herself, Supervisor Gross moved approval of the Proclamation designating August 7, 2001, as "*National Night Out*" in Fairfax County. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

10. **PROCLAMATION TO DESIGNATE SEPTEMBER 2001 AS "NATIONAL BONE MARROW AWARENESS MONTH" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation designating September 2001 as "*National Bone Marrow Awareness Month*" in Fairfax County. Supervisor Bulova and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

11. **CERTIFICATE OF RECOGNITION PRESENTED TO ALLEN HOGGE, DIRECTOR, WASTEWATER TREATMENT DIVISION, DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES)** (Tape 2)

Supervisor Hyland moved approval of the Certificate of Recognition presented to Allen Hogge, Director, Wastewater Treatment Division, DPWES, for his 26 years of service to Fairfax County. Supervisor Bulova seconded the motion and it carried by unanimous vote.

NV:nv

ADDITIONAL BOARD MATTER

12. **INTRODUCTION OF NEW HUNTER MILL DISTRICT STAFF MEMBER** (Tape 2)

Supervisor Hudgins introduced Christopher DelGrosso, a new staff member in her office. Chairman Hanley extended a warm welcome to him.

AGENDA ITEMS**13. 10:30 A.M. - APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS AND ADVISORY GROUPS** (Tape 2)

(APPTS)
(BACs)

Chairman Hanley announced that Supervisor McConnell had to leave the meeting to attend a funeral and that the Board would proceed with appointments in her absence.

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Springfield District Representative to the Airports Advisory Committee.

ATHLETIC COUNCIL

The Board deferred the appointments of the At-Large (Diverse Population), Mason District (Alternate), and Mount Vernon District (Alternate) Representatives to the Athletic Council.

CHARACTER COUNTS! TASK FORCE

The Board deferred the appointment of the Sully District Representative to the Character Counts! Task Force.

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointments of the Mount Vernon and the Springfield District Representatives to the Child Care Advisory Council.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

Supervisor Hudgins moved the appointment of Dr. Howard L. Kelley to fill the unexpired term of Mr. William Procter as an At-Large Representative to the Commission on Organ and Tissue Donation and Transplantation. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

The Board deferred the appointments of the At-Large (Minority) Representative and the Springfield District Representative to the Commission on Organ and Tissue Donation and Transplantation.

COMMUNITY ACTION ADVISORY BOARD

The Board deferred the appointment of the Dranesville District Representative and Mason District Representative to the Community Action Advisory Board.

COMMUNITY IMPROVEMENT COMMITTEE

Supervisor Connolly declined to nominate the Providence District Representative to the Community Improvement Committee.

The Board deferred the appointments of the Braddock District, Dranesville District, Mason District (Fairdale Community), Springfield District, and Sully District Representatives to the Community Improvement Committee.

CRIMINAL JUSTICE ADVISORY BOARD

The Board deferred the appointments of the Mason District and Springfield District Representatives to the Criminal Justice Advisory Board.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

Supervisor Hudgins moved the appointment of Mr. Samuel A. Bleicher to fill the unexpired term of Ms. Judith Suchoski as the Hunter Mill District Representative to the Environmental Quality Advisory Council. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

The Board deferred the appointment of the Sully District Representative to the Environmental Quality Advisory Council.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointments of the At-Large, Dranesville District, Mount Vernon District, and Springfield District Representatives to the Fairfax Area Disability Services Board.

(NOTE: Later in the meeting the Board made an appointment to this Board. See page 9.)

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Chairman Hanley moved the appointment of Ms. Renee Alberts to fill the unexpired term of Ms. Patricia Garrett as an At-Large Representative to the Fairfax-Falls Church Community Services Board. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

Supervisor Frey moved the appointment of Ms. Trudy Harsh to fill the unexpired term of Mr. John Stephens as the Sully District Representative to the Fairfax-Falls Church Community Services Board. Supervisor Bulova and Supervisor Hudgins jointly seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

HEALTH CARE ADVISORY BOARD

The Board deferred the appointment of the Hunter Mill District Representative to the Health Care Advisory Board.

HUMAN RIGHTS COMMISSION

The Board deferred the appointment of the At-Large #4 Representative to the Human Rights Commission.

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the Braddock District #2 Representative to the Human Services Council.

JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointment of the Sully District Representative to the Juvenile and Domestic Relations District Court Citizens Advisory Council.

NORTHERN VIRGINIA TRANSPORTATION COORDINATING COUNCIL CITIZEN ADVISORY COMMITTEE

The Board deferred the appointment of the At-Large Representative to the Northern Virginia Transportation Coordinating Council Citizen Advisory Committee.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointment of the At-Large #5 Representative to the Oversight Committee on Drinking and Driving.

ROAD VIEWERS BOARD

Supervisor Connolly moved the appointment of Mr. Richard Bochner as the At-Large #5 Representative to the Road Viewers Board. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

ROUTE 28 HIGHWAY TRANSPORTATION DISTRICT ADVISORY BOARD

The Board deferred the appointment of the At-Large Resident/Owner Route 28 District #3 Representative to the Route 28 Highway Transportation District Advisory Board.

TENANT LANDLORD COMMISSION

Chairman Hanley moved the reinstatement of Ms. Evelyn McRae as the At-Large Tenant Member #2 Representative to the Tenant Landlord Commission. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

The Board deferred the appointments of the At-Large Landlord Member #3 and At-Large Tenant Member #1 Representative to the Tenant Landlord Commission.

TREE COMMISSION

The Board deferred the appointment of the Sully District Representative to the Tree Commission.

WATER AUTHORITY

The Board deferred the appointment of the Dranesville District Representative to the Water Authority.

AD HOC COMMITTEES**HEALTH AND MEDICAL CARE DELIVERY TASK FORCE**

The Board deferred the appointments of the Braddock District, Mason District, and Springfield District Representative to the Health and Medical Care Delivery Task Force.

SIGN TASK FORCE

The Board deferred the appointment of the Springfield District Representative to the Sign Task Force.

Chairman Hanley announced that the Sign Task Force is scheduled to present its report to the Board in the fall. She relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board circulate the draft report to affected groups, particularly the realtors as well as the Northern Virginia Building Industry Association, prior to the presentation. She stated her understanding that the report may already be available on a website. Without objection, the request was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

TELECOMMUNICATIONS ("MONOPOLES") LAND USE TASK FORCE

The Board deferred the appointment of the Hunter Mill District Representative to the Telecommunications ("Monopoles") Land Use Task Force.

FAIRFAX AREA DISABILITY SERVICES BOARD

(NOTE: Earlier in the meeting the Board deferred this appointment. See page 6.)

Supervisor Hudgins moved the appointment of Mr. J. Neel Ellis as an At-Large Representative to the Fairfax Area Disability Services Board. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

(NOTE: Subsequent to the meeting, staff determined that there was no available At-Large Representative vacancy on the Fairfax Area Disability Services Board.)

DMB:dmb

14. **ADMINISTRATIVE ITEMS** (Tape 4)

Supervisor Connolly moved approval of the Administrative Items. Supervisor Hyland seconded the motion.

Supervisor Connolly called the Board's attention to the fact that Admin 5 - Authorization to Apply for Federal Funding for the Early Head Start Program within the Department of Family Services/Office for Children creates ten new positions.

Supervisor Frey called the Board's attention to Admin 3 - Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) Regarding Plant Nurseries and discussion ensued with input from Donna Pesto, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning.

Supervisor Kauffman called the Board's attention to Admin 8 - Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Appendix M, Establishing the Beechwood Restricted Parking District (RPD), District 1 (Mount Vernon District) and asked unanimous consent that the Board direct staff to revisit the standards one year after the establishment of the RPD and report its findings. Without objection, it was so ordered.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and called the Board's attention to Admin 1 - Authorization to Advertise a Public Hearing to Amend the Appropriation Level in the Fiscal Year (FY) 2002 Revised Budget Plan and asked to amend the motion to include the Human Services Council item as a Consideration Item.

Discussion ensued with input from Edward L. Long, Jr., Chief Financial Officer.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Kauffman asked unanimous consent that the Board direct staff to work with the staff of the *Golden Gazette* to assure that senior citizens are made aware of the County's real estate tax relief benefits for senior citizens. Without objection, it was so ordered.

Supervisor Mendelsohn asked unanimous consent that the Board direct staff to provide a running total of monies regarding the Grant Match line item in Agency 87 - Unclassified Administrative Expenses. Without objection, it was so ordered.

Additional discussion ensued with input from Mr. Long.

Supervisor Gross said that due to an error in the 1970s, the Virginia Department of Transportation has no record that Shawnee Road was accepted into the State Road system. She asked to amend the motion to include Shawnee Road repairs in the amount of \$200,000 as a Consideration Item.

Supervisor Hyland seconded the amendments to the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

The question was called on the main motion, as amended, and it carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn and Chairman Hanley voting "AYE," Supervisor Frey and Supervisor McConnell being out of the room.

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2002 REVISED BUDGET PLAN

(A) (NOTE: Earlier in the meeting the Board took additional action on this item. See pages 9-10).

Authorized the advertisement of a public hearing to be held before the Board on **September 10, 2001, at 10:15 a.m.** regarding amending the appropriation level in the FY 2002 Revised Budget Plan.

ADMIN 2 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (BRADDOCK, MASON, SPRINGFIELD, AND SULLY DISTRICTS)

Authorized the extension of review periods for the following Public Facility (2232) Review Applications to the dates noted:

- Application 2232-M01-10 to October 8, 2001
- Application 2232-B01-11 to October 8, 2001

- Application 2232-Y01-15 to February 3, 2002
- Application FS-S99-41 to February 20, 2002

ADMIN 3 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING PLANT NURSERIES

(A)(R) (NOTE: Earlier in the meeting there was a brief discussion of this item. See page 9).

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on September 6, 2001, and before the Board on **October 1, 2001, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) regarding plant nurseries.

ADMIN 4 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING HOME CHILD CARE FACILITIES

(A)(R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on September 19, 2001, and before the Board on **October 22, 2001, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding child care facilities.

ADMIN 5 – AUTHORIZATION TO APPLY FOR FEDERAL FUNDING FOR THE EARLY HEAD START PROGRAM WITHIN THE DEPARTMENT OF FAMILY SERVICES (DFS)/OFFICE FOR CHILDREN

(NOTE: Earlier in the meeting there was a brief discussion of this item. See page 5).

Authorized the DFS/Office for Children to apply for federal funding to expand the Early Head Start Program in the amount of \$918,590 including \$734,872 from the US Department of Health and Human Services. A local 20 percent cash match of \$159,520 is required, and an additional in-kind contribution of \$24,198 met through existing resources and other non-cash contribution.

**ADMIN 6 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 02021 FOR THE HEALTH DEPARTMENT'S COMMUNITY
COLLABORATION PROJECT GRANT**

- (SAR) Approved SAR AS 02021 in the amount of \$28,000 from the Virginia Department of Health to the Fairfax County Health Department for a Community Collaboration Project. No local cash match is required.

**ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING
ON PROPOSED CHANGES TO THE CODE OF THE COUNTY OF
FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), AND
CHAPTER 109 (SOLID WASTE)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 10, 2001, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), and Chapter 109 (Solid Waste), to implement new authority granted by the 2001 General Assembly.

**ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC ON
PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF
FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC),
APPENDIX M, ESTABLISHING THE BEECHWOOD RESTRICTED
PARKING DISTRICT (RPD), DISTRICT 1 (MOUNT VERNON
DISTRICT)**

- (A)(O) (NOTE: Earlier in the meeting the Board took additional action on this item. See page 9).

Authorized the advertisement of a public hearing to be held before the Board on **September 24, 2001, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Appendix M, establishing the Beechwood RPD, District 1, encompassing:

- Silverdale Road from residence addresses 8500 to 8521, inclusive
- Silverdale Court from Silverdale Road to its terminus

**ADMIN 9 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 02015 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT
(FCPD) TO ACCEPT DEPARTMENT OF CRIMINAL JUSTICE
SERVICES (DCJS) GRANT FUNDING TO CONTINUE THE VICTIM
WITNESS ASSISTANCE PROGRAM**

- (SAR) Approved SAR AS 02015 in the amount of \$181,656 for the FCPD to accept DCJS grant funding to support the continuation of the Victim Witness Assistance

Program from July 1, 2001, through June 30, 2002. No local cash match is required.

ADMIN 10 – ADDITION OF A SEGMENT OF THE FAIRFAX COUNTY PARKWAY, DISCONTINUANCE OF A SEGMENT OF POHICK ROAD, AND ADDITION, DISCONTINUANCE, AND RENUMBERING OF ADJOINING SEGMENTS OF ROADWAY (SPRINGFIELD AND BRADDOCK DISTRICTS)

- (R)
- Adopted the Resolution requesting that a segment of the Fairfax County Parkway be added to the secondary system and a segment of Pohick Road be discontinued from the secondary system.
 - Approved the recommendation that adjoining segments of roadway as described in Attachment 1 of the Memorandum to the Board dated August 6, 2001, be added to, discontinued from, and renumbered for the secondary system.

ADMIN 11 – INSTALLATION OF "WATCH FOR CHILDREN" SIGNS AT VARIOUS LOCATIONS

- (R)
- Adopted the Resolution endorsing the installation of "Watch for Children" signs on the following residential streets:
 - Eaton Place (Lee District)
 - Homespun Lane (Mason District)
 - Directed staff to request the Virginia Department of Transportation to install these signs at the earliest possible date.

ADMIN 12 – RECOMMENDATION OF STREETS TO BE INCLUDED IN THE TRAFFIC-CALMING PROGRAM (SULLY, SPRINGFIELD, AND PROVIDENCE DISTRICTS)

- Endorsed the selection of the following roads for inclusion in the Traffic-Calming Program:
 - Fillingame Drive (Sully District)
 - New Providence Drive (Providence District)
 - Laurel Rock Drive (Springfield District)

- Directed staff to request the Virginia Department of Transportation to develop traffic-calming plans in conjunction with each community, as soon as possible.

ADMIN 13 – INSTALLATION OF MULTI-WAY STOPS AT VARIOUS LOCATIONS

- Endorsed the installation of multi-way stops at the following intersections:
 - Eaton Place and Squire Lane (Lee District)
 - Kerry Lane and Gillings Road (Springfield District)
 - Leesville Boulevard and Earlhurst Street (Braddock District)
- Directed staff to request the Virginia Department of Transportation to install these signs at the earliest possible date.

ADMIN 14 – STREETS INTO THE SECONDARY SYSTEM (SPRINGFIELD DISTRICT)

Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Woods at South Run	Springfield	Preakness Lane Route 10100 Bright Silk Drive Braided Mane Court Lee Chapel Road Route 643 Additional ROW Only

15. **A-1 – AWARD OF HOME PROGRAM FUNDS TO TWO NON-PROFIT HOUSING DEVELOPMENT CORPORATIONS (SPRINGFIELD, DRANESVILLE, AND HUNTER MILL DISTRICTS)** (Tape 4)

On motion of Supervisor Hudgins, seconded by Chairman Hanley, and carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room, the Board concurred in the recommendation of staff and approved the Selection

Advisory Committee's recommended award of funds of:

- \$216,000 in Home Investment Partnerships Program (HOME) funds to Habitat for Humanity of Northern Virginia for construction of 18 townhouse units for first time homebuyers at Stevenson Street (Springfield District).
- \$278,538 in HOME funds to Reston Interfaith Housing Corporation to purchase and rehabilitate as needed a minimum of four townhouses in the Reston/Herndon area to rent to lower income families (Dranesville/Hunter Mill Districts).

16. **A-2 – AUTHORIZATION TO REALLOCATE \$636,000 FROM PROJECT 014116, PARTNERSHIP PROGRAMS, WITHIN FUND 144, HOUSING TRUST FUND, AS A LOAN TO HABITAT FOR HUMANITY OF NORTHERN VIRGINIA (STEVENSON STREET PROJECT) UNDER THE AFFORDABLE HOUSING PARTNERSHIP PROGRAM (SPRINGFIELD DISTRICT)** (Tape 4)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board concur in the recommendation of staff and reallocate \$636,000 from the Partnership Programs of the Housing Trust Fund to Habitat for Humanity of Northern Virginia for the construction of 18 townhouse units for first time homebuyers at Stevenson Street. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

17. **A-3 – AUTHORIZATION TO ENHANCE AND IMPROVE FAIRFAX CONNECTOR DULLES CORRIDOR BUS SERVICE (DRANESVILLE, HUNTER MILL, PROVIDENCE, AND SULLY DISTRICTS)** (Tape 4)

On motion of Supervisor Hudgins, seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room, the Board concurred in the recommendation of staff and authorized the Department of Transportation to implement the FAIRFAX CONNECTOR component of Phase II of the Dulles Corridor Rapid Transit Project.

18. **A-4 – APPROVAL OF PROJECT AGREEMENT FOR HUNTINGTON METRORAIL STATION PARKING GARAGE ADDITION (MOUNT VERNON DISTRICT)** (Tape 4)

On motion of Supervisor Hyland, seconded by Supervisor Connolly, and carried by a vote of nine, Supervisor McConnell being out of the room, the Board concurred in the recommendation of staff and approved in substantial form the

Project Agreement between the County and the Washington Metropolitan Area Transit Authority for the Huntington Metrorail Station Parking Garage Addition.

19. **A-5 – BOARD ADOPTION OF POSITION ON PROPOSED AMENDMENTS TO THE BUILDING CODE** (Tape 4)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and:

- Adopt a position in opposition to proposed changes to the Virginia Uniform Statewide Building Code currently under consideration by the Board of Housing and Community Development (BHCD).
- Authorize the Chairman to sign a letter requesting BHCD **denial** of the proposed amendments.

Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to include the letter from Zofia A. Zager, Building Official, Department of Public Works and Environmental Services, to Jack A. Proctor, Deputy Director, BHCD. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

20. **A-6 – APPROVAL OF FAIRFAX CONNECTOR BUS SERVICE CHANGES ON ROUTES 109, 110, 111, 305 AND 385 (BRADDOCK, LEE, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)** (Tape 4)

Following discussion Supervisor Bulova moved that the Board concur in the recommendation of staff and authorize the Department of Transportation to implement bus service changes in accordance with recommendations on Routes 109, 110, 111, 305, and 385, as proposed in the Notice of Public Meetings. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

Discussion ensued with input from Andy Szakos, Chief, Transit Operations Division, Department of Transportation. Supervisor Bulova asked unanimous consent that the Board direct staff to determine if one of the other bus routes could accommodate riders who depended on the Connector Bus Route 111, which is slated to be eliminated. Without objection, it was so ordered.

21. **A-7 – MODIFICATION OF APPROVED PARKING REDUCTION FOR WORLDGATE CENTER, PHASES I AND II (DRANESVILLE DISTRICT)** (Tape 4)

On motion of Supervisor Mendelsohn, seconded by Supervisor Hudgins, and carried by a vote of nine, Supervisor McConnell being out of the room, the Board concurred in the recommendation of staff and approved a modification to the parking reduction that was previously approved at the May 19, 1997, Board meeting for the Worldgate Center, Phase I and II, subject to the conditions outlined in the Memorandum to the Board dated August 6, 2001.

22. **A-8 – PARKING REDUCTION FOR HUNTINGTON METRO APARTMENTS (WESTMORELAND HOUSE) (MOUNT VERNON DISTRICT)** (Tape 4)

(NOTE: Later in the meeting action was taken on this item. See Clerk's Summary Item CL#83.)

23. **A-9 – FISCAL YEAR (FY) 2001 YEAR-END PROCESSING** (Tape 4)

On motion of Supervisor Frey, seconded by Chairman Hanley, and carried by a vote of nine, Supervisor McConnell being out of the room, the Board concurred in the recommendation of staff and authorized staff to process payment vouchers for items previously approved and appropriated in FY 2001 for the interim period from July 1 until the Board approves the FY 2001 Carryover Review, which is scheduled for action on September 10, 2001.

24. **C-1 – APPLICATION OF VIRGINIA ELECTRIC AND POWER COMPANY FOR APPROVAL OF A FUNCTIONAL SEPARATION PLAN UNDER THE VIRGINIA ELECTRIC UTILITY RESTRUCTURING ACT, SCC CASE NUMBER PUE000584** (Tapes 4-5)

The Board next considered an item contained in the Memorandum to the Board dated August 6, 2001, requesting authorization for staff to file testimony in the matter of the application of Virginia Electric and Power Company ("Virginia Power" or "Dominion Virginia Power") for a functional separation plan under the Virginia Electric Utility Restructuring Act.

Extensive discussion ensued with input from Dennis R. Bates, Senior Assistant County Attorney; William G. Thomas, Representative, Virginia Electric and Power Company; Karen J. Harwood, Deputy County Attorney; and Carolyn A. Quetsch, Director, Consumer Services Division, Department of Cable Communication and Consumer Protection.

Supervisor Kauffman moved that the Board submit testimony subject to staff reporting later in the meeting, with exact wording. Supervisor Connolly seconded the motion with the following amendment that directs staff to:

- Revise the testimony such that it does not per se oppose or support legal separation but lays out the Board's concerns for consumers.
- Include the Board's concerns to the State Corporation Commission (SCC) that should it decide to approve legal separation, the Board would request protections be put in place similar to those that were adopted in other legal separations that the SCC has approved.

This was accepted.

Additional discussion ensued with input from Mr. Bates and Mr. Thomas.

The question was called on the motion, as amended, and it **CARRIED** by a recorded vote of six, Supervisor Frey, Supervisor Gross, and Supervisor Mendelsohn voting "NAY," and Supervisor McConnell being out of the room.

(NOTE: Later in the meeting additional action was taken on this item. See Clerk's Summary Item CL#108.)

25. **I-1 – CONTRACT AWARD – OLD RESTON AVENUE NORTH ROAD IMPROVEMENT (HUNTER MILL DISTRICT)** (Tape 5)

The Board next considered an item contained in the Memorandum to the Board dated August 6, 2001, requesting authorization for staff to award a contract to Merit Contractors, Incorporated, in the amount of \$460,624.60 for the construction of improvements to Project 064195, Old Reston Avenue, in Fund 304, Primary and Secondary Road Bond Construction.

The staff was directed administratively to proceed as proposed.

26. **I-2 – CONTRACT AWARD – POHICK ROAD CONNECTOR (SPRINGFIELD AND MOUNT VERNON DISTRICTS)** (Tape 5)

The Board next considered an item contained in the Memorandum to the Board dated August 6, 2001, requesting authorization for staff to:

- Award a contract to A&W Contracting Corporation, in the amount of \$2,397,121.85 for the construction of Project 064147, Pohick Road Connector, in Fund 304, Primary and Secondary Road Bond Construction.

- Reallocate funds in the amount of \$387,447.23 to Project 006490, Construction Reserve, to fund possible shortfalls in other projects within this fund.

The staff was directed administratively to proceed as proposed.

27. **I-3 – CONTRACT AWARD – ANNUAL CONTRACT FOR BUS SHELTERS, BENCHES AND PADS** (Tape 5)

The Board next considered an item contained in the Memorandum to the Board dated August 6, 2001, requesting authorization for staff to award a contract to T.A. Turner Construction Services, Incorporated, in the amount of \$661,558.43 for the annual contract for bus shelters, benches and pads.

The staff was directed administratively to proceed as proposed.

28. **I-4 – CONTRACT AWARD – SELF-INSURED HEALTH PLANS** (Tape 5)

The Board next considered an item contained in the Memorandum to the Board dated August 6, 2001, requesting authorization for staff to award a contract to Carefirst Blue Cross Blue Shield for administration of the self-insured point-of-service and out-of-area medical health plan.

The staff was directed administratively to proceed as proposed.

29. **I-5 – EXISTING VEGETATION MAP (EVM) SUBMISSION REQUIREMENT UPDATE** (Tape 5)

The Board next considered an item contained in the Memorandum to the Board dated August 6, 2001, presenting the staff response to the Board's request for an evaluation to determine whether the EVM submission requirement for certain zoning applications will be maintained.

The staff was directed administratively to proceed as proposed.

30. **I-6 – ENGINEERING CONTRACT AWARD - DESIGN OF CLIFTON ROAD (SPRINGFIELD AND SULLY DISTRICTS)** (Tape 5)

The Board next considered an item contained in the Memorandum to the Board dated August 6, 2001, requesting authorization for staff to award a contract to Volkert and Associates, Incorporated, in the amount of \$217,954 for engineering services for the design work associated with Project 008802, Clifton Road in Fund 301, Contributed Roadway Improvements, for the widening between Lee Highway and Braddock Road.

The staff was directed administratively to proceed as proposed.

31. **I-7 – CONTRACT AWARD – PRESCRIPTION DRUG SERVICES**
(Tape 5)

The Board next considered an item contained in the Memorandum to the Board dated August 6, 2001, requesting authorization for staff to award a:

- Contract to Giant of Maryland, LLC for Proposal RFP01-464119-18, to provide prescribed medications for clients/patients participating in Fairfax County Human Services programs.
- Sole source contract to CVS for the dispensing of medications for emergency services for the Fairfax-Falls Church Community Services Board.
- Sole source contract to Inova for the provision of chemotherapy drugs.

The staff was directed administratively to proceed as proposed.

32. **I-8 – CONTRACT AWARDS AND APPROVAL OF STREET ACCEPTANCE ITEMS DURING BOARD OF SUPERVISORS' RECESS**
(Tape 5)

The Board next considered an item contained in the Memorandum to the Board dated August 6, 2001, requesting authorization for the County Executive, or the appropriate Deputy County Executive, or the Chief Financial Officer to continue to approve street acceptance items and award contracts while the Board is in recess.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

NV:nv

33. **VOLUNTEERFEST DAY** (Tape 6)

Chairman Hanley announced that Volunteer Fairfax will sponsor the seventh annual VolunteerFest on Saturday, October 27, 2001. This year's theme is "Helping Hands for Housing." Accordingly, Chairman Hanley relinquished the Chair to Acting-Chairman Bulova and moved that the Board:

- Proclaim October 27, 2001 as "*VolunteerFest Day*" in Fairfax County.

- Direct staff to invite the appropriate representatives to appear before the Board on October 22, 2001.

Supervisor Connolly seconded the motion, which carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

34. **SUBSTANCE ABUSE AWARENESS WEEK** (Tape 6)

Chairman Hanley announced that staff from Alcohol and Drug Services (ADS), an agency of the Fairfax-Falls Church Community Services Board (CSB), has requested recognition for Substance Abuse Awareness Week. For the twentieth year, ADS will provide a week of educational programs on a variety of substance abuse treatment and prevention topics. Accordingly, she moved that the Board direct staff to:

- Prepare a proclamation declaring November 9 to 16, 2001, as "*Substance Abuse Awareness Week*" in Fairfax County.
- Invite representatives of the CSB to appear before the Board at the October 22, 2001, meeting to receive the proclamation.

Supervisor Connolly seconded the motion, which carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

35. **RECOGNITION OF CHANTILLY CANNONS UNDER-17 SELECT SOCCER TRAVEL TEAM** (Tape 6)

Chairman Hanley stated that from July 24-28, 2001, the Chantilly Cannons Under-17 Select Soccer Travel Team competed in the Holland Cup 2001 international soccer tournament, in Almere, The Netherlands. Over 300 teams from 25 countries competed in this year's tournament, and the National Capital Soccer League-member Chantilly Cannons went undefeated on its way to capturing first place in the Holland Cup, besting teams from all over the world, and defeating a team from Tulsa, Oklahoma 1-0 in the final match.

Accordingly, Chairman Hanley moved that the Board direct staff to:

- Invite members of the Chantilly Cannons and their coaching staff to appear before the Board to receive certificates to recognize their outstanding achievement in winning the Holland Cup.
- Prepare and send certificates to those who cannot attend.

Supervisor Connolly seconded the motion, which carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

36. **INFILL STUDY** (Tape 6)

With reference to her written Board Matters, copies of which were distributed to the Board, Chairman Hanley reminded the Board that earlier in the year it endorsed some recommendations as part of Fairfax County's study of Infill and Residential Development. These recommendations concerned various aspects of the development process including stormwater management and erosion and sedimentation control issues. Among the issues identified, recommendation SW 10 specifically discussed ways to minimize the impact of development on downstream properties. The policy modifications endorsed with respect to this recommendation utilized existing regulations and, as such, did not have to return to the Board for a public hearing prior to implementation.

Chairman Hanley stated that it was recently called to her attention that there are concerns over the implementation of a new County policy developed in response to SW 10, which requires developers to secure agreements with downstream property owners as a condition of plan approval and permit issuance. As currently enforced, it has been asserted that this policy is subjective and difficult to satisfy due to a lack of clarity over several issues--including the number of downstream owners, the number of agreements that must be secured as a prerequisite for plan and permit approval, and the expected distance from a potential development site from which downstream property owners should expect to be contacted in conjunction with these efforts.

Chairman Hanley asked unanimous consent that the Board direct staff to report on the implementation of recommendation SW 10 from the Infill Study as is applicable to the issues described. Without objection, it was so ordered.

37. **LETTER FROM THE ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)** (Tape 6)

Chairman Hanley circulated to the Board copies of a letter from EQAC in which it expressed appreciation to the Board on its efforts over the last year to acquire and protect open space and encouraged the Board to continue doing so.

38. **NORTHERN VIRGINIA CELEBRATION OF NATIONAL TRAILS DAY** (Tape 6)

Chairman Hanley announced that National Trails Day will be held on June 1, 2002. Representatives from Northern Virginia jurisdictions are interested in exploring the idea of a Northern Virginia celebration that would underscore the increasing availability and use of the trail systems in the region. Accordingly, she asked unanimous consent that the Board direct staff to send a letter to Gary Fenton, Executive Director of the Northern Virginia Regional Park Authority, inviting that organization to take the lead in planning and executing a region-wide event on June 1, 2002. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board took additional action regarding trails. See Clerk's Summary Item CL#47.)

39. **SUPPORT FOR STATE SENATE BILL (SB) 1030 REGARDING AIR QUALITY AND NEW POWER PLANTS** (Tape 6)

(NOTE: Earlier in the meeting the Board discussed utility deregulation issues. See Clerk's Summary Item CL#24.)

Chairman Hanley referred to her written Board Matter on the subject of SB 1030 that was introduced in the 2001 Session of the General Assembly to prevent a net loss of air quality due to new emissions from proposed power plants in the Commonwealth. She pointed out locations of proposed power plants as depicted on a map she circulated. SB 1030 would require all new sources emitting more than 50 tons of Nox (an ozone-causing pollutant) to offset their emissions by finding reductions in other pollutant sources. She noted that this legislation was sent to the Commission on the Future of Virginia's Environment and the comment period extends through August 14.

Chairman Hanley stated that within the last three years, 23 power plants have been proposed as a result of deregulation of the power industry. Many of these proposed plants are sited just outside non-attainment areas where, under current law, they do not have to implement the more rigorous standards required in non-attainment areas to protect air quality and public health.

Chairman Hanley stated that the Metropolitan Washington Area is a non-attainment area and is already having problems meeting National Ambient Air Quality Standards. Air pollution blown in from outside the region is one of the major sources of pollution that prevents this region from meeting the standard. The area has the potential of being impacted by additional pollution emitted by these plants just outside the non-attainment area.

Accordingly, Chairman Hanley moved that the Board direct staff to send a letter to the Division of Legislative Services before the end of the comment period to express the Board's support for SB 1030 for the following reasons:

- To eliminate an incentive for power plants to add more pollutants to the air by locating them in rural areas
- To better protect the air quality and health of the citizens
- To ensure that there is no new loss of air quality with deregulation

Acting-Chairman Bulova and Supervisor Kauffman jointly seconded the motion. Following discussion, the question was called on the motion, which carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

40. **REQUEST FOR COMMENTS ON PROPOSED AMENDMENT FOR REGULATIONS FOR THE CONTROL AND ABATEMENT OF AIR POLLUTION** (Tape 6)

(NOTE: Earlier in the meeting the Board discussed utility deregulation issues. See Clerk's Summary Item CL#24.)

Chairman Hanley called the Board's attention to her written Board Matter regarding a request for comments on proposed amendment to regulations for Emissions Trading (9 VAC 5 Chapter 140) from the Commonwealth of Virginia's State Air Pollution Control Board. The public hearing will be held on August 22, 2001, in Richmond.

Accordingly, Chairman Hanley asked unanimous consent that the Board:

- Forward this notice to staff.
- Direct staff to prepare appropriate technical comments for the public record.
- Direct staff to publicize the public comment period on the County's website to provide the opportunity for County citizens to participate in the public hearing.

Following discussion, without objection, it was so ordered.

41. **PROGRAM TO HELP TEACHERS BUY HOMES** (Tape 6)

Chairman Hanley distributed to the Board copies of an article from the *Orlando Sentinel* about a program that helps teachers to buy homes. She noted that the Board had much discussion about the effectiveness of the "Teacher Next Door" program in the County. She asked unanimous consent that the Board refer this item to staff for any relevance for County employees.

Following discussion, Supervisor Frey asked to amend the request to include a comparison of the cost of living and income levels between Orlando, Florida and Fairfax County, and this was accepted.

Without objection, the request, as amended, was so ordered.

42. **VOTER REGISTRATION CARDS** (Tape 6)

Chairman Hanley stated that she recently received in the mail a new voter registration card. As a resident of Walnut Hill 2 precinct, she stated her understanding that she is now in the Eighth Congressional District. However, the letter she received from the General Registrar stated that she resided in the

Eleventh Congressional District. Other Board Members shared similar stories of confusion.

Following discussion regarding the need for notifications in time for the upcoming General Assembly primary election, Chairman Hanley asked unanimous consent that the Board direct staff to work with the General Registrar to request that if any other mailing to voters is anticipated, that all the corrections by combined on it. Without objection, it was so ordered.

Supervisor Frey noted that election officials will appear before the Board later in the day, during public hearings, and some of the Board's questions can be addressed then.

Acting-Chairman Bulova returned the gavel to Chairman Hanley.

(NOTE: Later in the meeting, the Board discussed this issue. See Clerk's Summary Item CL#93.)

PMH:pmh

43. **HUNTER MILL ROAD MAY BECOME A VIRGINIA BYWAY** (Tape 7)

Supervisor Mendelsohn said that the Hunter Mill Road corridor continues to be the subject of much discussion by citizens who live in the vicinity. It is an area rich in both history and scenery, and its residents take great pride in maintaining the heritage and natural attributes of the Hunter Mill Road corridor.

Supervisor Mendelsohn said that many of the Hunter Mill Road corridor residents have been talking to local and State officials about the possibility of designating Hunter Mill Road a Virginia Byway. As a result of those discussions, Delegate Jeannemarie Devolites and Senator Janet Howell have sponsored legislation in their respective houses of the General Assembly to designate Hunter Mill Road as a Virginia Byway.

Supervisor Mendelsohn noted that according to the guidelines from the Virginia Department of Transportation, designation of a road as a Virginia Byway is largely symbolic and will not affect future land use decisions or improvements to the road. The designation, however, will emphasize the beauty and historic importance of this area. The residents of the Hunter Mill Road corridor are well aware of the symbolic nature of this designation and are fully supportive.

Based on the widespread support that has been demonstrated for the designation of Hunter Mill Road as a Virginia Byway, Supervisor Mendelsohn moved that the Board direct staff to transmit to Delegate Devolites, Senator Howell, and the appropriate State agency its endorsement of the General Assembly bill to designate the entire length of Hunter Mill Road as a Virginia Byway. Supervisor Frey seconded the motion.

Following discussion, the question was called on the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

44. **NORTHERN VIRGINIA CONSERVATION TRUST** (Tape 7)

Supervisor Mendelsohn said that the Northern Virginia Conservation (“the Trust”) was formed within the last two years to pursue preservation and conservation of land in the Northern Virginia area. In July, the Trust signed its twelfth conservation easement, bringing the total number of acres preserved through Trust efforts to over 500 acres. This is cause for celebration at a time when the disappearance of undeveloped land and open space continues to be a major issue facing the County and all of the jurisdictions in Northern Virginia.

Therefore, Supervisor Mendelsohn moved that the Board direct staff to invite the President of the Northern Virginia Conservation Trust and the members of the Board of Directors of the Trust to appear before the Board at a date to be determined to be recognized and congratulated for these significant conservation efforts and reaching this milestone. Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hyland, and Supervisor McConnell being out the room.

45. **MCLEAN LITTLE LEAGUE MAJOR ALL-STAR GIRLS' SOFTBALL TEAM** (Tape 7)

Supervisor Mendelsohn said that on July 27, 2001, the McLean Little League Major All-Star Girls' Softball Team won the Virginia State Tournament, beating Tuckahoe of Richmond. He added that the McLean Team is now playing in the regional tournament in Georgia.

Therefore, Supervisor Mendelsohn moved that the Board direct staff to invite the members of the McLean Little League Major All-Star Girls' Softball Team and their coaches to appear before the Board at a date to be determined to be recognized for these significant accomplishments. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

46. **EXPEDITED PUBLIC HEARING FOR SPECIAL EXCEPTION APPLICATION SE 01-HM-027** (Tape 7)

Supervisor Hudgins said that Trizechahn Reston II LLC has filed a special exception for an increase in building height in the I-4 Zoning District. The application is intended to address an error in building height for 12000 Sunrise Valley Drive, Reston and bring the building into conformance.

Supervisor Hudgins moved that the Board approve an expedited Board date of December 3, 2001, for Special Exception Application SE-01-HM-027. This motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations, or adopted standards and does not prejudice the consideration of this application in any way. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

47. **REGIONAL BICYCLE AND TRAIL NETWORK IN NORTHERN VIRGINIA** (Tape 7)

(NOTE: Earlier in the meeting the Board took action regarding trails. See Clerk's Summary Item CL#38.)

Supervisor Hudgins said that the Virginia Department of Transportation (VDOT) has begun a study to develop a regional plan for a bicycle and trail network in Northern Virginia based on existing jurisdictional trail plans. The Virginia Bicycling Federation and others indicated they are very encouraged by VDOT's efforts to work with the cyclists on the study and address the issues. The cyclist community indicates a Bicycling Advisory Committee for the Northern Virginia VDOT Construction District would further enhance the level of input by cyclists to VDOT on construction projects.

Supervisor Hudgins moved that the Board request staff and the Non-Motorized Trail Committee to review the feasibility of forming a Bicyclist Authority Committee for Northern Virginia Construction District and advise the Board of the findings. Supervisor Gross seconded the motion.

Supervisor Frey asked unanimous consent that the Board direct staff to provide information regarding the issue of additional on-road bicycle paths, right-of-way, and cost ramifications as part of road projects. Without objection, it was so ordered.

The question was called on the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

48. **REQUEST FOR STATUS REPORT ON SUBSIDIZED AND OTHER HOUSING** (Tape 7)

Supervisor Hudgins asked unanimous consent that the Board direct the Department of Housing and Community Development to provide a report on the status on subsidized and other housing stock that is at risk of being lost. Without objection, it was so ordered.

49. **EXPEDITED PROCESSING FOR PROFFERED CONDITION AMENDMENT APPLICATION PCA 92-P-00-1-4** (Tape 7)

Supervisor Connolly said that West Group expects to file an application within the next few weeks. Proffered Condition Amendment Application PCA 92-P-00-1-4 relates to the Northrop Grumman/PRC/Litton occupancy of the recently completed McKinley Pierce Building and their desire to secure an option under the lease to construct the 300,000 square foot Taylor Building immediately adjacent to the McKinley Pierce Building.

Supervisor Connolly moved that the Board authorize staff to expedite Proffered Condition Amendment Application PCA 92-P-00-1-4. Supervisor Hudgins seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

50. **COX COMMUNICATIONS PLANNING COMMISSION - EXPEDITED PUBLIC HEARING** (Tape 7)

Supervisor Connolly said that COX Communications of Northern Virginia has proposed one of its six telecommunications hub sites on Gallows Road in the Providence District.

Therefore, Supervisor Connolly moved that the Board expedite the Cox Communications application for a hub site on Tax Map 39-2 ((8)) 3 by directing staff to schedule the Planning Commission public hearing approximately three months from the date of acceptance by the Department of Planning and Zoning instead of the typical four months. This application will amend the currently approved rezoning application on the property which is Rezoning Application RZ 80-P-042. This action does not prejudice the consideration of this review in any way. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

51. **PUBLIC SAFETY CENTER COMPLEX EXPEDITED AND CONCURRENT PROCESSING** (Tape 7)

Supervisor Connolly said that the Planning and Design Division of the Department of Public Works and Environmental Services has requested expedited and concurrent processing for the courthouse expansion also known as the Public Safety Center Complex.

Therefore, Supervisor Connolly moved that the Board direct staff to:

- Expedite the public hearing for the proffered condition amendment application and the final development plan amendment application for the courthouse expansion project and associated site improvements located at tax Map 57-4 ((1)) lot 14.

- Allow concurrent processing of the proffered condition/final development plan amendment and the site plan for the courthouse expansion project and associated site improvements located at Tax Map 57-4 ((1)) lot 14.

This motion is not to be construed as a favorable recommendation from the Board and does not relieve the applicant from complying with the applicable regulations, policies, and standards. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Hyland, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

52. **TYSONS CORNER ANNUAL PLAN REVIEW (APR) NOMINATION STATUS AND RECOMMENDATION TO THE PLANNING COMMISSION TO DEFER CONSIDERATION OF THE TYSONS CORNER APR NOMINATIONS** (Tape 7)

Supervisor Connolly said he has reviewed the APR nominations submitted for properties in Tysons Corner. Due to the uncertain location of future Metro stations in Tysons Corner, it will be difficult to review these nominations when the APR Task Force begins its review early this fall. The Citizen's Guide for the 2001 North County Cycle indicates that the Planning Commission may defer consideration of a group of nominations if, in its opinion, these items represent complex issues that should not be evaluated on an individual basis. He said that this is the case in Tysons Corner where 13 nominations were submitted. Twelve of these nominations are in the Providence District and one is in the Hunter Mill District.

Therefore, Supervisor Connolly moved that the Board:

- Request the Planning Commission, at its first meeting in September, to defer the Tysons Corner nominations by the Providence District APR Task Force until the completion and issuance of the Environmental Impact Statement (EIS) and the National Environmental Policy Act (NEPA) report.
- If the Planning Commission supports this recommendation, direct the Department of Planning and Zoning to work with his office to outline possible schedules and options of review of the Tysons Corner nominations once the EIS and NEPA reports are issued.

Supervisor Bulova seconded the motion.

Following discussion, the question was called on the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

53. **NO BOARD MATTERS FOR SUPERVISOR BULOVA** (Tape 7)

Supervisor Bulova announced that she had no Board Matters to present today.

54. **INTENT TO DEFER THE PUBLIC HEARING ON REZONING APPLICATION RZ 2000-MV-051 (LANDMARK PROPERTY DEVELOPMENT, LLC) (MOUNT VERNON DISTRICT)** (Tape 7)

Supervisor Kauffman announced that at the appropriate time later in the meeting, the public hearing on Rezoning Application RZ 2000-MV-051 will be deferred until October 22, 2001, at 3 p.m.

(NOTE: Later in the meeting the public hearing was formally deferred.)

55. **SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 88-V-023** (Tape 7)

Supervisor Connolly stated his objection to considering Special Exception Amendment Application SEA 88-V-023 because the affidavit requirements were not fulfilled.

(NOTE: Later in the meeting the public hearing was deferred. See Clerk's Summary Item CL#83.)

56. **WAIVER OF SHOWMOBILE FEES** (Tape 7)

Supervisor Gross said that two separate community festivals are scheduled for Mason District in September, one in Annandale and one in Baileys Crossroads.

Supervisor Gross said that on Sunday, September 9, a consortium of local groups will sponsor a community day on the grounds of the Annandale United Methodist Church. On the following Saturday, September 15, Culmore Day will be held on the grounds of Saint Paul's Episcopal Church.

Therefore, Supervisor Gross moved that the showmobile fees for both events be waived, subject to the restrictions governing such waivers. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

57. **TOUR BUSES IDLING ENGINES** (Tape 7)

Supervisor Gross asked unanimous consent that the Board direct staff to provide a report regarding regulations in Fairfax County that govern tour buses idling their engines. Without objection, it was so ordered.

NV:nv

58. **NO BOARD MATTERS FOR SUPERVISOR FREY** (Tape 8)

Supervisor Frey, who was seated in the audience at the time, stated that he had no Board Matters to present today.

(NOTE: Later in the meeting, Supervisor Hyland and Supervisor McConnell presented Board Matters. See Clerk's Summary Items CL#99 - CL#107.)

59. **RECESS/CLOSED SESSION** (Tape 8)

At 12:40 p.m., Supervisor Connolly moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section 2.1-344 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.1-344(A)(1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.1-344(A)(3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.1-344(A)(7).
 - 1. *David Bridges v. Scott Bevan, et al.*, At Law No. 187507 (Fx. Co. Cir. Ct.) (Mason District)
 - 2. *Harold Dawson v. Board of Zoning Appeals of Fairfax County*, At Law No. 188560 (Fx. Co. Cir. Ct.) (Mason District) and *Jane W. Gwinn, Fairfax County Zoning Administrator v. Kunlun, Inc., and Harold Dawson*, In Chancery No. 169150 (Fx. Co. Cir. Ct.) (Mason District)
 - 3. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Grace A. Kempton, Trustee for the Kempton Family Revocable Trust*, In

Chancery No. 167227 (Fx. Co. Cir. Ct.)
(Dranesville District)

4. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Land Master Corp. and East Coast Development Corp., In* Chancery No. 169957 (Fx. Co. Cir. Ct.)
(Springfield District)
5. *Jane Gwinn, Fairfax County Zoning Administrator v. Ruby V. Fast and Garde Morris O. Johnson, In* Chancery No. 148675 (Fx. Co. Cir. Ct.) (Mount Vernon District)
6. *Jane Gwinn, Fairfax County Zoning Administrator v. Hazel O. Johnson and Garde Morris O. Johnson, In* Chancery No. 148674 (Fx. Co. Cir. Ct.) (Mount Vernon District)
7. *Board of Supervisors v. JWC Properties, et al., At Law* No. 197228 (Fx. Co. Cir. Ct.)
(Sully District)
8. *Peter J. Eccles v. Tammy R. Brown, In* Chancery No. 173395 (Fx. Co. Cir. Ct.)
(Dranesville District)

And in addition:

- Adult Detention Center Expansions and Renovations Project, Contract Number 71005
- Jane Gwinn versus Chan Ly Thich, In Chancery Number 164435
- Claim of the estate of Linda Kline

Chairman Hanley relinquished the Chair to Acting-Chairman Bulova and asked to amend the motion to include a personnel issue, and this was accepted.

Acting-Chairman Bulova seconded the motion.

The question was called on the motion, as amended, which carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

Acting-Chairman Bulova returned the gavel to Chairman Hanley.

Chairman Hanley announced that closed session would begin at 1 p.m.

DS:ds

At 2:55 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Hanley presiding.

ADDITIONAL BOARD MATTERS

60. **HAPPY ANNIVERSARY TO CHAIRMAN HANLEY** (Tape 9)

Chairman Hanley announced that today was her thirty-fifth wedding anniversary, and the 35 yellow roses she had received were from her husband. The Board wished her a happy anniversary.

61. **HAPPY BIRTHDAY TO SUPERVISOR MENDELSON** (Tape 9)

Supervisor Connolly announced that Supervisor Mendelsohn will be celebrating a birthday this week. Chairman Hanley and the Board wished him a very happy birthday.

ACTIONS FROM CLOSED SESSION

62. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (Tape 9)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Connolly seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

63. **ADULT DETENTION CENTER EXPANSIONS/RENOVATIONS PROJECT, CONTRACT NUMBER CN71005** (Tape 9)

Supervisor Connolly moved that the Board authorize the County Executive to execute the settlement agreement and release regarding the Adult Detention Center Expansions/Renovations Project, Contract Number CN71005, to be entered into by the Board, Blake Construction Company, Incorporated, and the Travelers Casualty and Surety Company, as outlined by the County Attorney in closed session. Supervisor Bulova seconded the motion and it carried by unanimous vote.

64. **DEPARTMENT DIRECTOR APPOINTMENTS** (Tape 9)

Supervisor Gross moved that the Board appoint the following individuals as department directors:

- Susan Datta, Director, Department of Management and Budget, at a salary of \$114,205
- Wanda Gibson, Director, Department of Information Technology, at a salary of \$129,802
- Patricia Franckewitz, Director, Department of Community and Recreation Services, at a salary of \$100,607
- Carol Sharrett, M.D., Director, Department of Health, at a salary of \$77,000 (Dr. Sharrett's salary reflects a one year contractual arrangement at 20 hours per week.)

Supervisor Bulova seconded the motion, which carried by unanimous vote.

AGENDA ITEMS65. **3 P.M. – BOARD DECISION ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S99-III-BR1 (SULLY DISTRICT)** (Tape 9)

(NOTE: Later in the meeting the Board took action on this item. See Clerk's Summary Item CL#68.)

66. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-C-060-8 (BATMAN/MCNAIR ASSOCIATES, LP) (HUNTER MILL DISTRICT)** (Tape 9)

The Proffered Condition Amendment Application PCA 87-C-060-8 property is located generally on the north side of Coppermine Road, approximately 200 feet east of its intersection with Centreville Road, Tax Map 16-3 ((1)) 38D.

Ms. Inda Stagg reaffirmed the validity of the affidavit for the record.

Ms. Stagg had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, which included testimony by two speakers, William Mayland, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Following discussion, with input from David P. Bobzien, County Attorney, Supervisor Hudgins moved that the Board:

- Approve Proffered Condition Amendment Application PCA 87-C-060-8 subject to the proffers dated July 16, 2001.
- Authorize the County Executive, on behalf of the Board, to sign the agreement dated August 1, 2001, between Bahman Batmanghelidj and the County, assuring his personal satisfaction of the Housing Trust Fund obligation.

Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Kauffman being out of the room.

67. **3 P.M. – PH ON CONCEPTUAL DEVELOPMENT PLAN AMENDMENT APPLICATION CDPA 87-P-108 (DAVID N. TALTON) (PROVIDENCE DISTRICT)** (Tape 9)

The Conceptual Development Plan Amendment Application CDPA 87-P-108 property is located on the south side of Courthouse Road, between Hatmark Street and Edgelea Road, Tax Map 48-1 ((37)) A, 1-24; 25A, 26A, 27-29; 31-38.

Mr. David S. Houston reaffirmed the validity of the affidavit for the record.

Mr. Houston had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, which included testimony by two speakers, discussion ensued with input from Jane W. Gwinn, Zoning Administrator/Division Director, Zoning Administration Division, Department of Planning and Zoning.

Supervisor Connolly moved that the Board waive the reading of the staff and Planning Commission recommendations. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Kauffman being out of the room.

Supervisor Connolly moved:

- Approval of Conceptual Development Plan Amendment Application CDPA 87-P-108, subject to the development conditions dated July 27, 2001, to be revised as follows:
 - Condition Number Two - **Delete** "However, irrespective of that depicted on the Conceptual Development Plan Amendment/ Final Development Plan Amendment (CDPA/FDPA), no structures

shall be permitted on Lot 27 and that area shall be used as landscaped open space dedicated to the HOA."

- Condition Number 11 - **Amend** to read as follows: "Supplemental landscaping including the six-foot tall arborvitae hedge at the terminus of Nursery Lane shall be provided as depicted on Sheet three of the CDPA/FDPA as approved by the Urban Forester."
- **Add** new Condition Number 14 to read: "No building permit shall be issued for Lot 27 until such time as the frontage improvements for Courthouse Road, including the four-foot wide concrete sidewalk, and the six-foot tall wall along Courthouse Road are completed."
- Approval of a variance of the Zoning Ordinance requirement that a wall in the front yard be limited to a maximum height of four feet to permit the construction of a six-foot tall wall as proposed.
- Board direction to the Director of the Department of Public Works and Environmental Services to modify the trail requirement along Courthouse Road in favor of the four foot wide concrete sidewalk depicted on the CDPA.

Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor Kauffman being out of the room.

68. **3 P.M. – BOARD DECISION ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S99-III-BR1 (SULLY DISTRICT)** (Tape 9)

(NOTE: The public hearing for Out-of-Turn Plan Amendment S99-III-BR1 was held on July 23, 2001, and decision deferred until August 6, 2001.)

Supervisor Frey moved approval of Out-of-Turn Plan Amendment S99-III-BR1 as recommended by the Planning Commission, with the following addition:

- Number 2, Bullet Number 3 - "Additionally, significant efforts toward historic preservation elsewhere in Fairfax County would be appropriate."

Supervisor Hyland and Supervisor Mendelsohn jointly seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor Kauffman, and Supervisor McConnell being out of the room.

69. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 90-D-058 (SUGARLAND ROAD DEVELOPMENT, LLC) (DRANESVILLE DISTRICT)** (Tape 9)

The Proffered Condition Amendment Application PCA 90-D-058 property is located in the southwest corner of Dranesville Road and Sugarland Road, Tax Map 5-4 ((1)) 5A and 5B.

Mr. Hamid Matin reaffirmed the validity of the affidavit for the record.

Mr. Matin had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Supervisor Mendelsohn moved to waive the reading of the staff and Planning Commission recommendation. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Kauffman and Supervisor McConnell being out of the room.

Supervisor Mendelsohn moved:

- Approval of Proffered Condition Amendment Application PCA 90-D-058, subject to the proffers dated June 6, 2001
- Waiver of the minimum district size requirement for a cluster subdivision

Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Kauffman and Supervisor McConnell being out of the room.

70. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2001-PR-012 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-P-061 (POTOMAC DEVELOPMENT CORPORATION) (PROVIDENCE DISTRICT)** (Tape 9)

(O) The Rezoning Application RZ 2001-PR-012 property is located generally in the northeast quadrant of the intersection of Lee Highway and Prosperity Avenue, Tax Map 49-3 ((1)) 72B, 72C, 73, 73A, and 73D.

The Special Exception Amendment Application SEA 94-P-061 property is located at 8414 Lee Highway, Tax Map 49-3 ((1)) 72B, 72C, 73, 73A, and 73D.

Ms. Lynne J. Strobel reaffirmed the validity of the affidavit for the record.

Ms. Strobel had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, William Mayland, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Connolly moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2001-PR-012, from the I-5 and HC Districts to the C-6 and HC Districts, subject to the proffers dated July 16, 2001
- Approval of Special Exception Amendment Application SEA 94-P-061, subject to the development conditions dated July 13, 2001
- Waiver of the service drive requirement along Lee Highway

Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Hudgins, Supervisor Kauffman, and Supervisor McConnell being out of the room.

71. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 01-M-017 (ENTERPRISE LEASING COMPANY D/B/A ENTERPRISE RENT-A-CAR) (MASON DISTRICT)** (Tapes 9-10)

The Special Exception Application SE 01-M-017 property is located at 5666 Columbia Pike, Tax Map 61-2 ((1)) 83, 84, and 84A.

Mr. Jonathan P. Rak reaffirmed the validity of the affidavit for the record.

Mr. Rak had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Tracy Swagler, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Approval of Special Exception Application SE 01-M-017, subject to the development conditions dated July 20, 2001.
- Modification of the transitional screening and barrier requirement along the northern property boundary in favor of the existing conditions as shown on the Special Exception plat.

Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Kauffman and Supervisor McConnell being out of the room.

72. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 97-M-032 (CA FAIRFAX, LLC) (MASON DISTRICT)**
(Tape 10)

The Special Exception Amendment Application SEA 97-M-032 property is located on the west side of Glen Forest Drive, approximately 350 feet north of its intersection with Leesburg Pike, Tax Map 61-2 ((1)) 26.

Ms. Lynne J. Strobel reaffirmed the validity of the affidavit for the record.

Ms. Strobel had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, which included testimony by two speakers, Amy Parker, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross moved approval of Special Exception Amendment Application SEA 97-M-032, subject to the development conditions dated July 27, 2001. Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hudgins being out of the room.

73. **3:30 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF RIDGE TOP ROAD (SPRINGFIELD DISTRICT, FORMERLY SULLY)** (Tape 10)

(R) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 19 and July 26, 2001.

Following the public hearing, which included testimony by one speaker, Supervisor McConnell moved adoption of the Resolution authorizing the acquisition of interests in real property necessary for the construction of Private

Developer Project PD0072 - Ridge Top Road. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Frey and Supervisor Gross being out of the room.

74. **3:30 P.M. – JOINT PH WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION ON A PROPOSED CUT-THROUGH TRAFFIC RESTRICTION FOR SOUTH STREET BETWEEN ANNANDALE ROAD AND US ROUTE 50 (MASON DISTRICT)** (Tape 10)

Verbatim
(R)

A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 19 and July 26, 2001.

Following the public hearing, which included testimony by ten speakers, discussion ensued with input from Douglas Hansen, Department of Transportation.

Supervisor Gross moved approval of the proposal to implement measures to reduce the amount of cut-through traffic on South Street between Annandale Road and Route 50. Supervisor Hyland seconded the motion and it carried by unanimous vote.

75. **4 P.M. – PH ON OUT-OF-TURN PLAN AMENDMENT S00-PIII-UP2, MIDDLETON FARMS AREA (SULLY AND HUNTER MILL DISTRICTS)** (Tape 10)

Supervisor Frey moved to defer the public hearing on Out-of-Turn Plan Amendment S00-PIII-UP2 until **September 24, 2001, at 4:30 p.m.** Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor Gross and Supervisor Mendelsohn being out of the room.

76. **4 P.M. – PH ON OUT-OF-TURN PLAN AMENDMENT S00-III-UP3 FOR THE MURRAY FARMS/RUGBY ROAD SUBDIVISION (SULLY DISTRICT)** (Tapes 10-11)

A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 19 and July 26, 2001.

Following the public hearing, which included testimony by one speaker, Supervisor Frey moved adoption of Out-of-Turn Plan Amendment S00-III-UP3 as recommended by the Planning Commission on July 18, 2001, with the proposed plan text as shown on pages four and five of the staff report dated April 5, 2001, which maintains the residential densities as currently planned for the Rugby

Road/Murray Farms community, and modifies the consolidation requirements to allow consolidation on the east and west sides to occur separately. Supervisor Hyland and Supervisor McConnell jointly seconded the motion and it carried by a vote of seven, Supervisor Gross, Supervisor Kauffman, and Supervisor Mendelsohn being out of the room.

77. **4 P.M. – PH ON OUT-OF-TURN PLAN AMENDMENT S00-III-UP4 FOR PROPERTY ALONG CENTREVILLE ROAD IN THE VICINITY OF METROTECH DRIVE (SULLY DISTRICT)** (Tape 11)

A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 19 and July 26, 2001.

Discussion ensued with input from Stephen E. McGregor, Planner III, Planning Division (PD), Department of Planning and Zoning (DPZ), and Fred Selden, Director, PD, DPZ.

Following the public hearing, which included testimony by one speaker, Supervisor Frey moved adoption of Out-of-Turn Plan Amendment S00-III-UP4 as recommended by the Planning Commission on July 18, 2001, with the proposed plan text as shown on pages 9 and 10 of the staff report dated April 5, 2001, which adds the option for multi-family residential use up to 20 units per acre if certain conditions are met, including maintaining the area north of Skyhawk Drive, extending open space, and providing for some affordable housing. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

78. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), APPENDIX G, EXPANDING THE ANNANDALE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 14 (BRADDOCK DISTRICT)** (Tape 11)

(O) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 19 and July 26, 2001.

Following the public hearing, which included testimony by three speakers, Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Appendix G, expanding the Annandale RPPD, District 14. The proposed District expansion includes the following street blocks:

- Manion Street (Route 2755) from Erie Street (Route 2629) to Arlen Street (Route 2756)

- Arlen Street from Erie Street to Rowan Court (Route 3608)
- Arlen Street from Arlen Court (Route 3607) to Manion Street

Supervisor Frey and Supervisor McConnell jointly seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Mendelsohn being out of the room.

79. **4 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 80-P-078-11 (INOA HEALTH CARE SERVICES) (PROVIDENCE DISTRICT)** (Tape 11)

The Special Exception Amendment Application SEA 80-P-078-11 property is located at 3300 Gallows Road, Tax Map 49-3 ((1)) 136C, 136C1; 59-2 ((1)) 1A pt., 1B pt., 1C pt., 1C pt., 1D, and 1E.

Mr. Timothy S. Sampson reaffirmed the validity of the affidavit for the record.

Mr. Sampson had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Supervisor McConnell disclosed that she represents the County on the Board of Trustees of the Inova Health System Foundation.

Supervisor Connolly disclosed the following campaign contributions which he had received:

- In excess of \$200 from Mr. Dario O. Marquez, Jr.
- In excess of \$200 from Mr. Sidney O. Dewberry, Dewberry and Davis, LLC
- In excess of \$200 from Dr. Edward H. Bersoff

Supervisor Gross disclosed that she represents the County on the Inova Health Care Services Board.

Following the public hearing, Mary Ann Godfrey, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Connolly moved:

- Approval of Special Exception Amendment (SEA) Application SEA 80-P-078-11, subject to the development conditions dated August 2, 2001.
- Reaffirmation of previously approved modification of the transitional screening requirement and waiver of the barrier requirements in favor of that shown on the SEA plat.
- Waiver of the trail requirement along Gallows Road in favor of a proposed eight-foot wide sidewalk, as shown in the SEA plat, and the existing five-foot wide sidewalk along the remainder of Gallows Road frontage.

Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Mendelsohn being out of the room.

ADDITIONAL ACTION FROM CLOSED SESSION

80. **CONTRACT SALE FOR PROPERTY REQUIRED FOR KINGSTOWNE REGIONAL LIBRARY** (Tape 11)

In consideration of the contract of sale for the property located south of the intersection of Beulah Street (Route 613) and Silver Lake Boulevard, Alexandria, Virginia, required for the County, Supervisor Kauffman moved that the Board approve the Contract of Sale, subject to the Special Conditions stated within the contract, and authorize the execution of said instrument by the County Executive, or the Deputy County Executive. This property is located in the Lee District, known as Tax Map Parcel 091-3-09-0008-A and owned by Royal Palm Investments, Incorporated. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Mendelsohn being out of the room.

AGENDA ITEMS

SBE:sbe

81. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATIONS PCA 82-L-030-11 AND PCA 1996-LE-034 (DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES) (LEE DISTRICT)** (Tape 12)

The Proffered Condition Amendment Applications PCA 82-L-030-11 and PCA 1996-LE-034 property is located generally in the southeast quadrant of the intersection of Beulah Street and Manchester Boulevard, Tax Map 91-3 ((9)) 8A pt.

Mr. Murtaka Sheikh reaffirmed the validity of the affidavit for the record.

Mr. Sheikh had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Supervisor Connolly disclosed the following campaign contribution which he had received:

- In excess of \$200 from Mr. Sidney O. Dewberry, Dewberry and Davis LLC

Following the public hearing, which included testimony by one speaker, Leslie Johnson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, on behalf of Peter Braham, presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved:

- Approval of Proffered Condition Amendment Application PCA 82-L-030-11 and Proffered Condition Amendment Application PCA 1996-LE-034 subject to the proffers dated July 2, 2001.
- Modification of the transitional screen yard requirement and waiver of the barrier requirement along Beulah Street and Silver Lakes Boulevard.

Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Mendelsohn being out of the room.

82. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 92-V-032-2 (LCOR/JV ACQUISITION LLC AND HUNTINGTON STATION LLC), REZONING APPLICATION RZ 2001-MV-006 (HUNTINGTON STATION LLC), AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 88-V-025 (HUNTINGTON STATION LLC) (MOUNT VERNON DISTRICT)**
(Tape 12)

(O) The Proffered Condition Amendment Application PCA 92-V-032-2 property is generally located in the northeast quadrant of Huntington Avenue and Metroview Parkway, Tax Map 83-1 ((1)) 53A and 53B.

The Rezoning Application RZ 2001-MV-006 property is generally located on the north side of Huntington Avenue, approximately 200 feet east of Metroview Parkway, Tax Map 83-1 ((1)) 53B.

The Special Exception Amendment Application SEA 88-V-025 property is located at 2414 Huntington Avenue, Tax Map 83-1 ((1)) 53B.

Mr. Timothy S. Sampson reaffirmed the validity of the affidavit for the record.

Mr. Sampson had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Supervisor Hudgins disclosed the following campaign contribution which she had received:

- In excess of \$200 from McCandlish and Lillard PC

ADDITIONAL BOARD MATTER

Reception To Honor The Fairfax Scholarship Winners

Chairman Hanley announced that following this public hearing, the Board would recess briefly to attend a reception to honor the "Fairfax Scholarship Winners."

(NOTE: Later in the meeting the Board was unable to recess to attend the reception, and only the Chairman attended.)

Following the public hearing, which included testimony by two speakers, Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

Supervisor Hyland moved:

- Approval of Proffered Condition Amendment Application PCA 92-V-032-2, subject to the proffers dated June 27, 2001.
- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2001-MV-006, from the C-3 District to the PDH-16 District, and the conceptual development plan, subject to the proffers dated July 19, 2001.
- Waiver of the requirement for a 200-square foot privacy yard for the single family attached dwellings.

- Approval of Special Exception Amendment Application SEA 88-V-025, subject to the proposed development conditions dated July 25, 2001, contained in Appendix 2 of the staff report.

Supervisor Kauffman seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Mendelsohn being out of the room.

83. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2001-MV-011 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 88-V-023 (LCOR/JV ACQUISITION LLC) (MOUNT VERNON DISTRICT) AND A-8 – PARKING REDUCTION FOR HUNTINGTON METRO APARTMENTS (WESTMORELAND HOUSE)** (Tape 12)

(NOTE: Earlier in the meeting the Board deferred decision for Action Item A-8. See Clerk's Summary Item CL#22.)

- (O) The Rezoning Application RZ 2001-MV-011 property is located on the north side of Huntington Avenue, east of Metroview Parkway, Tax Map 83-1 ((1)) 53A.

The Special Exception Amendment Application SEA 88-V-023 property is located at 2430 Huntington Avenue, Tax Map 83-1 ((1)) 53A.

Mr. Timothy Sampson reaffirmed the validity of the affidavit for the record.

Mr. Sampson had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following discussion regarding an issue with the affidavit, Supervisor Hyland moved that the Board proceed with the public hearing by modifying the Board's Policy on affidavits. Acting-Chairman McConnell seconded the motion.

Following further discussion, the question was called on the motion to proceed with the public hearing and it **FAILED** by a recorded vote of six, Supervisor Bulova, Supervisor Hyland, and Acting-Chairman McConnell voting "AYE," Chairman Hanley being out of the room.

Supervisor Hyland moved to defer the public hearing on Rezoning Application RZ 2001-MV-2001 and Special Exception Amendment Application SEA 88-V-023 until **September 10, 2001, at 3 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of nine, Chairman Hanley being out of the room.

Following input from Christina Manning, Assistant to the County Executive, Supervisor Hyland moved to defer Action Item 8 - Parking Reduction for Huntington Metro Apartments (Westmoreland House) until **September 10, 2001, at 3 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of nine, Chairman Hanley being out of the room.

84. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1996-MV-037-5 (SOUTH STATION LLC) (MOUNT VERNON DISTRICT)** (Tape 12)

The Proffered Condition Amendment Application PCA 1996-MV-037-5 property is located on the north side of Lorton Road, east of the RF&P Railroad right-of-way, Tax Map 107-2 ((1)) 42, 43 pt., 44, 46 pt., 47 pt., 48-51 and 107-4 ((1)) 17A1 pt. and 96.

Mr. Keith C. Martin reaffirmed the validity of the affidavit for the record.

Mr. Martin had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, which included testimony by two speakers, Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. Supervisor McConnell seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

Supervisor Hyland moved approval of Proffered Condition Amendment Application PCA 1996-MV-037-5, subject to the proffers dated July 19, 2001. Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

85. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 01-V-002 (PETER A. AND VIRGINIA W. FIELD) (MOUNT VERNON DISTRICT)** (Tape 12)

The Special Exception Application SE 01-V-002 property is located at 8905 Ox Road, Tax Map 106-2 ((1)) 7.

Ms. Mary Theresa Flynn reaffirmed the validity of the affidavit for the record.

Ms. Flynn had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, which included testimony by two speakers, Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Mendelsohn and Chairman Hanley being out of the room.

Supervisor Hyland moved:

- Approval of Special Exception Application SE 01-V-002, subject to the development conditions dated July 19, 2001.
- Modification of the transitional screening and barrier requirements in favor of that shown on the special exception (SE) plat.
- Waiver of the service drive requirement in favor of the interparcel access as shown on the SE Plat.
- Waiver of the additional standards for a plant nursery to allow a plant structure to be located less than 100 feet from property zoned R-1.

Supervisor Connolly and Supervisor Kauffman jointly seconded the motion and it carried by a vote of eight, Supervisor Mendelsohn and Chairman Hanley being out of the room.

86. **5 P.M. – PH ON REZONING APPLICATION RZ 2000-MV-051 (LANDMARK PROPERTY DEVELOPMENT, LLC) (MOUNT VERNON DISTRICT, FORMERLY LEE)** (Tape 12)

Supervisor Hyland moved to defer the public hearing on Rezoning Application RZ 2000-MV-051 until September 10, 2001, at 3 p.m. Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

Supervisor Hyland moved to defer the public hearing on Rezoning Application RZ 2000-MV-051 from September 10, 2001, at 3 p.m. to **October 22, 2001, at 3 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

87. **5 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA C-696-3 (DSV DULLES FOX MILL LP) (HUNTER MILL DISTRICT)** (Tape 12)

The Proffered Condition Amendment Application PCA C-696-3 property is located on the south side of Fox Mill Road, approximately 1,100 feet east of Horse Pen Road, Tax Map 15-4 ((5)) 2-5, 7, and 8; 16-1 ((25)) 1 and 6.

Ms. Elizabeth D. Baker reaffirmed the validity of the affidavit for the record.

Ms. Baker had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, William Mayland, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved:

- Approval of Proffered Condition Amendment Application PCA C-696-3, subject to the proffers dated July 12, 2001.
- Modification of the loading space requirement in favor of that shown in Exhibit 1 of the proffers.

Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor McConnell, and Chairman Hanley being out of the room.

88. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), APPENDIX G, EXPANDING THE MCLEAN RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 21 (DRANESVILLE DISTRICT)** (Tapes 12-13)

- (O) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 19 and July 26, 2001.

Following the public hearing, which included testimony by three speakers, Supervisor Mendelsohn moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Appendix G, expanding the McLean RPPD, District 21. Supervisor Connolly seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Mendelsohn, and Vice-Chairman Hyland voting "AYE," Supervisor Frey, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley being out of room.

89. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), APPENDIX G, EXPANDING THE LANGLEY RESIDENTIAL PERMIT PARKING DISTRICT, DISTRICT 20 (DRANESVILLE DISTRICT)** (Tape 13)

- (O) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 19 and July 26, 2001.

Supervisor Connolly and Supervisor Gross recognized Mr. Fariborz Fatemi, a speaker for this hearing, and welcomed him to the Board Auditorium.

Following the public hearing, which included testimony by one speaker, Supervisor Mendelsohn moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Appendix G, expanding the Langley RPPD, District 20. Supervisor Connolly seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Mendelsohn, and Vice-Chairman Hyland voting "AYE," Supervisor Frey, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley being out of the room.

90. **5 P.M. – PH ON A PROPOSAL TO VACATE AND ABANDON PORTIONS OF BRADLEY ROAD (ROUTE 1210) AND LELAND ROAD (ROUTE 1021), AND VACATE PORTIONS OF CENTREVILLE FARMS ROAD AND SHREVE STREET (SULLY DISTRICT)** (Tape 13)

- (O) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 19 and July 26, 2001.

Following the public hearing, Supervisor Frey moved adoption of the:

- Ordinance vacating portions of Bradley Road, Leland Road, Centreville Farms Road, and Shreve Street
- Order abandoning portions of Bradley Road and Leland Road

Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor McConnell, Supervisor Mendelsohn and Vice-Chairman Hyland voting "AYE," Supervisor Bulova, Supervisor Kauffman, and Chairman Hanley being out of the room.

91. **5:30 P.M. – PH ON A PROPOSAL TO ABANDON A PORTION OF SUMMIT DRIVE (SPRINGFIELD DISTRICT)** (Tape 13)

- (O) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 19 and July 26, 2001.

Following the public hearing Supervisor McConnell moved adoption of the Order abandoning a portion of Summit Drive. Supervisor Frey seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor McConnell, and Vice-Chairman Hyland voting "AYE," Supervisor Bulova, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

92. **5:30 P.M. – PH ON A PROPOSAL TO ABANDON AND VACATE PORTIONS OF THISTLE LANE (PROVIDENCE DISTRICT)** (Tape 13)

- (O) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 24 and July 31, 2001.

Following the public hearing, Supervisor Connolly moved adoption of the:

- Order abandoning a portion of Thistle Lane
- Ordinance vacating portions of Thistle Lane

The motion, the second to which was inaudible, carried by a vote of six, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor McConnell, and Vice-Chairman Hyland voting "AYE," Supervisor Bulova, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

Upon her return to the Board dais, Chairman Hanley asked unanimous consent that the Board direct staff to provide to the Board in writing the difference between "vacate" and "abandon." Without objection, it was so ordered.

Acting-Chairman Hyland returned the gavel to Chairman Hanley.

93. **5:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (CENTRAL ABSENTEE VOTER ELECTION DISTRICT), TO CONSIDER TWO ORDINANCES RELATING TO ELECTION PRECINCTS** (Tape 13)

- (Os) (NOTE: Earlier in the meeting the Board discussed voter registration cards. See Clerk's Summary Item CL#42.)

A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 24 and July 31, 2001.

Following the public hearing, Carol Ann Coryell, Secretary, Electoral Board presented a brief staff report.

Supervisor Connolly moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 7 (Central Absentee Voter Election District), relating to election precincts. Supervisor Frey seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Kauffman and Supervisor Mendelsohn being out of the room.

Discussion ensued regarding voter registration cards, with input from Ms. Coryell; Diane McIntyre, General Register; and Michael Long, Senior Assistant County Attorney. Supervisor Hyland moved that the Board direct staff to send a letter to the State's Attorney General requesting that he submit the redistricting requests to the United States Department of Justice expeditiously because of the voter confusion and County costs incurred by the multiple necessary voter registration notification mailings. Supervisor Gross seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Kauffman, and Supervisor Mendelsohn being out of the room.

94. **5:30 P.M. – PH ON REZONING APPLICATIONS RZ 2001-SP-007 AND RZ 2001-SP-009 (ROSEWOOD BUILDING AND DEVELOPMENT LLC) (SPRINGFIELD DISTRICT)** (Tapes 13-14)

(Os) The Rezoning Application RZ 2001-SP-007 property is located on the north side of Silverbrook Road, approximately 550 feet west of its intersection with Bayberry Ridge Road, Tax Map 97-4 ((1)) 14; 97-4 ((2)) 1-6.

Mr. William B. Larson, Jr. reaffirmed the validity of the affidavit for the record.

Mr. Larson had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, which included testimony by six speakers, Francis Burns, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor McConnell moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2001-SP-007, from the R-1 District to the R-3 District, subject to the proffers dated July 31, 2001.
- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2001-SP-009, from the R-1 District to the R-3 District, subject to the proffers dated July 31, 2001.
- Modification of the sidewalk requirement along Silverbrook Road in favor of a trail for Rezoning Applications RZ 2001-SP-007 and RZ 2001-SP-009.
- Modification of the sidewalk requirement along Bayberry Ridge Road in favor of that shown on the Generalized Development Plan for Rezoning Application RZ 2001-SP-009.

Supervisor Frey seconded the motion and it carried by a vote of eight, Supervisor Connolly and Supervisor Mendelsohn being out of the room.

Further discussion continued.

95. **6 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), APPENDIX G, EXPANDING THE ROBINSON RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 17 (BRADDOCK DISTRICT)** (Tape 14)

- (O) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 19 and July 26, 2001.

Following the public hearing, which included testimony by one speaker, Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Appendix G, expanding the Robinson RPPD, District 17. Supervisor Hyland seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, and Chairman Hanley voting "AYE," Supervisor Frey, Supervisor Hudgins, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

96. **6 P.M. – PH ON REZONING APPLICATION RZ 2001-MV-002 (TELEGRAPH I LLC) (MOUNT VERNON DISTRICT)** (Tape 14)

- (O) The Rezoning Application RZ 2001-MV-002 property is located on the west side of Telegraph Road, approximately 400 feet north of its intersection with Newington Road, Tax Map 99-2 ((1)) 36.

Ms. Lynne J. Strobel reaffirmed the validity of the affidavit for the record.

Ms. Strobel had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. Supervisor Frey seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, and Chairman Hanley voting "AYE," Supervisor Connolly, Supervisor Hudgins, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

Supervisor Hyland moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2001-MV-002, from the R-1 District to the PDH-2 District, subject to the proffers dated July 9, 2001, as amended.
- Waiver of the limitation on fence height to permit an eight-foot architecturally solid privacy fence, as shown on the Conceptual Development Plan and the Final Development Plan.

The motion, the second to which was inaudible, **CARRIED** by a recorded vote of five, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hyland, and Supervisor Kauffman, voting "AYE," Chairman Hanley abstaining, Supervisor Connolly, Supervisor Hudgins, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

97. **6 P.M. – PH ON REZONING APPLICATION RZ 2001-SU-003 (PULTE HOME CORPORATION) (SULLY DISTRICT)** (Tape 14)

- (O) The Rezoning Application RZ 2001-SU-003 property is generally located south of Interstate 66, and on the north side of Westbrook Drive, approximately 2,375 feet east of its intersection with Stringfellow Road, Tax Map 55-1 ((7)) 27-29; 55-2 ((2)) 12-14, 24-26; 55-2 ((3)) F and 55-2 ((4)) B and a portion of Steuben Pike public right-of-way to be vacated and/or abandoned. (Approval of this application may enable the vacation and/or abandonment of portions of the public

rights-of-way for Steuben Pike to proceed under Section 15.2-2272 (2) of the *Code of Virginia*.)

Mr. Francis A. McDermott reaffirmed the validity of the affidavit for the record.

Mr. McDermott had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Supervisor Frey disclosed the following campaign contribution which he had received:

- In excess of \$200 from Pulte Home Corporation

Following the public hearing, which included testimony by three speakers, Amy Parker, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor McConnell moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2001-SU-003, from the R-1 and WS Districts to the R-2 and WS Districts, subject to the proffers dated August 2, 2001.
- Modification of the transitional screening requirement and waiver of the barrier requirement for the area south of the duplex units, in favor of the treatment shown on the Generalized Development Plan.
- Waiver of the 200-foot setback requirement from interstate highways.
- Authorization for the County Executive, on behalf of the Board, to sign the proffers dated August 2, 2001, and the agreement between Pulte Home Corporation, Metro Place Holdings LLC, Perch Associates Limited Partnership, Victor Limited Partnership, and the County for the abandonment/ vacation of Steuben Pike.

Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Connolly and Supervisor Mendelsohn being out of the room.

98. **6:30 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (Tape 14)

A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 19, and July 26, 2001.

The public hearing was held and included testimony from the following speaker:

- Ms. Shannon Zorro regarding South County schools

ADDITIONAL BOARD MATTERS

NV:nv

99. **CENTEX HOMES APPLICATION FOR THE DIX-CEN-GATO AREA** (Tape 15)

Supervisor McConnell stated that Centex Homes is prepared to submit a rezoning application for parcels it proposes to develop in the Dix-Cen-Gato area. On February 5, 2001, the Board approved a Sully District motion to include Deljo Drive in a rezoning application. That rezoning application was never filed because Centex Homes has been working to increase its consolidation. The rezoning application will include approximately 59.71755 acres of land north of Route 29, south of Post Forest Drive, on both sides of Legato Road, generally southwest of the Government Center. The application proposes to rezone the subject property from the R-1 and R-2 District to the PDH-12 District. Centex Homes has prepared a Conceptual/Final Development Plan Application for the assemblage, which provides a revised road network that will better accommodate the redevelopment of the properties while respecting the access for the property owners who have not joined the consolidation. Centex Homes is seeking Board authorization to include portions of the existing right-of-way of Ruffin Drive, Deming Drive, Dixie Hill Road, Rhett Lane, Quality Street and all of Deljo Drive as part of the proposed rezoning application.

Accordingly, Supervisor McConnell moved that the Board direct staff to include approximately 4.25517 acres of right-of-way for a portion of Ruffin Drive, Deming Drive, Dixie Hill Road, Rhett Lane, Quality street, as well as the previously approved Deljo Drive, within the land area of the Centex Homes Dix-Cen-Gato rezoning application. The right-of-way areas to be included in the application are adjacent to Tax Map Parcels 56-1-((2))-4 and 5; 56-1-((3))-1, 3, 4, 7 through 9, inclusive, and 12 through 15, inclusive; 56-1-((5))-9 through 23, inclusive; 56-1-((9))-12, 13, 16 through 21, inclusive; 56-1-((11))-2, 3A, 4A, 5, 6 and Parcels A and B. She noted that this motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not predetermine or prejudice the consideration of the rezoning applications or

future abandonment/vacation requests in any way. This motion, the second to which was inaudible, carried by unanimous vote.

100. **SHOWMOBILE FOR INOVA MOUNT VERNON HOSPITAL** (Tape 15)

Supervisor Hyland referred to his written Board Matters, the first of which announced that Inova Mount Vernon Hospital will hold a twenty-fifth anniversary celebration for employees, physicians, volunteers, and community members on Friday, September 21, 2001. Hospital representatives have requested a waiver of the Fairfax County Showmobile fee of \$150 for the event.

Accordingly, Supervisor Hyland moved that the Board direct staff to waive the fee for the Showmobile for the twenty-fifth anniversary celebration of INOVA Mount Vernon Hospital. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

101. **CONCURRENT PROCESSING REQUESTED FOR REZONING/FINAL DEVELOPMENT PLAN APPLICATION RZ/FDP 2000-MV-051 - SKY VIEW PARK** (Tape 15)

With reference to his written Board Matter regarding a request by Landmark Properties to allow the applicant to proceed to develop and submit a site plan on the Skyview site simultaneously with the rezoning application as it proceeds to the Board of Supervisors' public hearing in October, Supervisor Hyland moved that the Board direct staff to process concurrently Rezoning Application/Final Development Plan RZ/FDP 2000-MV-051 – Sky View Park. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

102. **PAT ON THE BACK FOR COUNTY STAFF** (Tape 15)

Supervisor Hyland referred to his written Board Matter regarding a letter he received from one of his constituents praising the efforts of several employees of the Fairfax County's Department of Community and Recreation Services, Therapeutic Recreation Services Division (TRS). These employees, TRS Division Manager Evan Braff, as well as Bush Hill staff members Leeann Hopkins, Brent Aberant, Ethel Sevens, Sam Lohman, and Julie Henninger were all cited in the letter as being directly responsible for the success of the Saturday Leisure Program at Bush Hill. Accordingly, Supervisor Hyland asked unanimous consent that the Board direct staff to place a copy of this letter in the personnel folders of the aforementioned employees. Without objection, it was so ordered.

103. **RESOLUTION FROM THE MOUNT VERNON COUNCIL REQUESTING THAT SUIT BE FILED AGAINST THE COMMONWEALTH OF VIRGINIA** (Tape 15)

Supervisor Hyland referred to a resolution from the Mount Vernon Council of Citizens Associations passed at its meeting of June 27, 2001, requesting that the Board develop and file suit in the appropriate Virginia State Court to recoup funds raised through taxes generated in the County of Fairfax to reimburse the County for its substantial expenditures on highways and other much needed transportation improvements to meet the needs of its citizens, copies of which were distributed to the Board. He noted that the resolution states that in the claim against the Commonwealth, the state should be required to assume liability for the principal and interest for currently outstanding County bonds issued for transportation purposes as well as reimbursement for principal and interest payments prior to 1995.

Supervisor Hyland noted that as an example, the letter submitting the resolution indicates that other states have successfully filed suits against their State legislatures and Executives when the services provided by the State have been inadequate thus forcing local governments to place additional burdens on their residents. The letter cites a recent case in New Hampshire.

Accordingly, Supervisor Hyland asked unanimous consent that the Board refer this resolution to staff for review and recommendation. Without objection, it was so ordered.

104. **BELLE HAVEN MARINA** (Tape 15)

Supervisor Hyland referred to his written Board Matter regarding continued support for the safe operation of the Belle Haven Marina as well as Dyke Marsh. He asked unanimous consent that the Board direct staff to prepare a letter to the Congressional Delegation and the National Park Service indicating the Board's support. Without objection, it was so ordered.

105. **LORTON COMMUNITY ACTION CENTER** (Tape 15)

Supervisor Hyland referred to his written Board Matter regarding the renovation of the Community Resource Center/Teen Center that was established by the Lorton Community Action Center in collaboration with the Department of Family Services, the Police Department, the Department of Community and Recreation Services, and other community groups. He moved that the Board authorize an additional \$53,000 for the Lorton Community Resource Center/Teen Center renovations. Funds are available in the budget of the Facilities Management Division of the Department of Public Works and Environmental Management.

Following discussion, with input from Anthony H. Griffin, County Executive, Supervisor Connolly seconded the motion, which carried by unanimous vote.

106. **ALEXANDRIA ADDRESSES** (Tape 15)

Supervisor Hyland cited a newspaper brief that described Henry Hudson, a candidate for a federal judgeship, as living in the Alexandria section of Fairfax County. He asked unanimous consent that the Board direct staff to communicate to the press that Alexandria is in neither Mount Vernon nor Fairfax County. Without objection, it was so ordered.

107. **WATER HOOK-UPS** (Tape 15)

Supervisor McConnell reminded the Board that it had created a special tax district for water hook-ups in the Lincoln-Lewis-Vannoy area. She cited some additional delays that the citizens encountered. She moved that the Board direct staff to prepare a letter requesting the Water Authority to assign two teams to this project. Supervisor Connolly seconded the motion, which carried by unanimous vote.

AGENDA ITEM108. **C-1 – APPLICATION OF VIRGINIA ELECTRIC AND POWER COMPANY FOR APPROVAL OF A FUNCTIONAL SEPARATION PLAN UNDER THE VIRGINIA ELECTRIC UTILITY RESTRUCTURING ACT, SCC CASE NUMBER PUE000584** (Tapes 15-16)

(NOTE: Earlier in the meeting, the Board deferred action on this item and directed staff to make revisions. See Clerk's Summary Item CL#24.)

The Board next considered an item contained in the Memorandum to the Board dated August 6, 2001, requesting authorization for staff to file testimony in the matter of the application of Virginia Electric and Power Company ("Virginia Power" or "Dominion Virginia Power") for a functional separation plan under the Virginia Electric Utility Restructuring Act.

Following discussion, with input from Dennis Bates, Senior Assistant County Attorney, and Carolyn Quetsch, Director, Consumer Protection Division, Department of Cable Communications and Consumer Protection, Supervisor Connolly moved that the Board approve the revised document entitled "Direct Testimony and Exhibits of Stephen D. Sinclair on behalf of the Board of Supervisors of Fairfax County, Virginia dated August 6, 2001," with the following revisions:

- Deletion of the second sentence of the answer to question seven and deletion of the words "in addition" in the next sentence
- Deletion of question 10
- Deletion of question 13

Supervisor Kauffman seconded the motion.

Following discussion, with input from Anthony H. Griffin, County Executive, Supervisor Connolly withdrew the motion, and this was accepted.

Supervisor Bulova moved that the Board direct staff to:

- Draft a letter for the Chairman's signature expressing the Board's consumer-oriented concerns regarding the Functional Separation Plan under the Virginia Electric Utility Restructuring Act.
- Circulate this letter in draft to the Board for comments and agreement prior to sending it.

Supervisor Connolly seconded the motion.

Following further discussion, with input from Ms. Quetsch, the question was called on the motion, which **CARRIED** by a recorded vote of seven, Supervisor Gross, Supervisor McConnell, and Supervisor Mendelsohn voting "NAY."

ADDITIONAL BOARD MATTER

109. **THIRD AMENDMENTS TO BOTH THE AMENDED AND RESTATED REAL ESTATE SALES AGREEMENTS (EAST AND WEST PARCELS) WITH KOLL METROPOLITAN LLC CONCERNING LAND BAY A** (Tape 16)

Supervisor Frey stated that after discussion with the County Executive and Deputy County Executive, some unforeseen issues have arisen regarding Land Bay A. Accordingly, he moved that the Board authorize the County Executive to execute, on its behalf, the Third Amendments to both the Amended and Restated Real Estate Sales Agreements (East and West Parcels) concerning Land Bay A. Supervisor Hyland seconded the motion.

Following discussion, with input from Anthony H. Griffin, County Executive, and Robert A. Stalzer, Deputy County Executive, the question was called on the motion, which **CARRIED** by a recorded vote of nine, Supervisor McConnell voting "NAY."

110. **BOARD ADJOURNMENT** (Tape 16)

At 9:25 p.m., the Board adjourned.

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